



# United States Senate

NEWS RELEASE

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## **Senate and House Sponsors Introduce Bipartisan Legislation to Protect Farmers Against Misuse of Superfund Law**

WASHINGTON, D.C. – A bipartisan group of lawmakers today introduced legislation to clarify a law that unintentionally impacts America's farmers and ranchers.

The bipartisan *Agricultural Protection and Prosperity Act of 2007* would clarify that livestock manure, which many agricultural producers utilize in their traditional farming practices, is not classified as a hazardous substance, pollutant, or contaminant under CERCLA (*Comprehensive Environmental Response Compensation and Liability Act*), otherwise known as the "Superfund law." If normal animal manure is found to be a hazardous substance under Superfund law, then virtually every farm operation in the country could be potentially exposed to liabilities and penalties under the Superfund law, an outcome Congress never intended.

"Farmers and ranchers have always been responsible stewards of the land and make great strides to preserve a healthy environment for their food production as well as for their families and communities," said **Senator Blanche Lincoln**, a member of the Senate Agriculture Committee. "There is a growing understanding in this country, however, that without the clarification provided by our legislation, requirements and liability under CERCLA could be unfairly applied to America's farmers and ranchers both large and small."

"This clarifies the original intent of CERCLA, and does nothing to change the current environmental laws that regulate agriculture, including livestock waste. Agriculture operations will still be subject to full scrutiny and strict standards set in the Clean Air and Clean Water Acts," **Senator Pete Domenici** said. "We offer this measure to protect the viability and competitiveness of our nation's livestock industry, including the burgeoning dairy industries in New Mexico and the Southwest."

"Congress never intended for Superfund to apply to farms, but the judicial system has done just that, threatening the livelihood of farmers and ranchers everywhere by trying to equate manure with the toxic and industrial waste that has been responsible for some of America's worst chemical spills. Congress needs to reaffirm its intention that this material is not a pollutant or hazardous substance. In addition, the treatment of animal waste through the use of anaerobic methane digesters could be put at risk if we don't clarify this law. That would jeopardize the opportunity we have to improve the environment by using this biogas as a renewable energy resource," said **Congressman Collin Peterson**, Chairman of the House Agriculture Committee.

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“In addition to extensive state environmental laws and regulations, agriculture is an industry that is currently regulated by the federal Clean Water Act (CWA) and Clean Air Act (CAA). Claims that agriculture is seeking a broad exemption from environmental and health laws are simply untrue,” said **Congressman Ralph Hall**. “We are not seeking an exemption from the CAA, CWA, state odor nuisance provisions, or any federal or state worker protection laws. The Agriculture Protection and Prosperity Act of 2007 does not change current law and does not compromise the Clean Air Act or the Clean Water Act, which regulate agriculture. This legislation simply defines manure and clarifies under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA) and the Emergency Planning and Community Right to Know Act (EPCRA) that animal manure does not create a Superfund site.”

“Congress thought it was clear when it passed EPCRA and CERCLA that naturally-occurring processes, such as manure decomposition, at agricultural operations were exempt from these laws. However, some special-interest groups intent on shutting down American agriculture seem to disagree and are attempting to use the courts to legislate their desired changes,” said **Senator Larry Craig**.

The *Agricultural Protection and Prosperity Act of 2007* is cosponsored by a bipartisan group of nine Senators and 59 Representatives.